Mr. M. Sivarama Menon *(Constitutional Adviser)*: I have read that a Minister who is defeated in election in England can continue in office and stand for bye election. I have not come across any particular case.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I do not find any substance in the position taken up by the Hon'ble Constitutional Adviser. I would invite your attention, Sir, to the Marginal note against section 6. It deals with the appointment of Ministers.

Mr. President: Has the marginal note the force of law?

Mr. M. Sivarama Menon *(Constitutional Adviser)*: Marginal notes form no parts of the Statute though there was an older view that they could be looked into in certain eventualities at the last stage when nothing better was available for further elucidations.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I had not thought it out earlier. Now, thanks for the elucidation. It is that I have invited the attention of the Chair to the marginal note which reads appointment of Ministers. Therefore Section 6, (1) and (2) will relate to appointment of Ministers. Section 6, 1) reads "Minister is appointed by His Highness." When No. 2 is read the word appointment is not there but it is to be inferred unless once appointed as a Minister he cannot be a Minister and the duration is according to the pleasure of His Highness, which is referred to in (1). Now the suggestive argument or the inference that my learned friend wanted me to draw and the chair to draw is that the Minister who for any period of 6 months is not an elected member of the Legislative Council can according to his suggestion, continue to be a Minister though he is not a member. According to him, he need not be appointed over again, if originally he has been appointed Minister though as an elected Member. According to the language used in one of the learned judgments of our High Court, the argument is simply fallacious. I therefore, solicit a ruling from the Chair.

Mr. President: There is no necessity to give an answer. Now the Question time is over.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: With due respect, I submit, Sir, that I am not on a question but I was on the impropriety of a question being answered by Mr. Iyyunni, who is neither a member, nor a minister appointed. The point has been elucidated by both sides. A ruling has to follow.

Mr. President: It is a point relating to a question and the question time is over.

UNJARICHIRA TANK—IRINJALAKKUDA-KALLETTUMKARA ROAD

454. Mr. Parambi Lonappen *(Irinjalakkuda)*: Will Government be pleased to state.—

(*a*) are the Government aware that Unjarichira Tank on the side of Irinjalakkuda-Kallettumkara road and the Marathampilly Tank near the Hindu Cemetry within the Municipal limits of Irinjalakkuda are almost filled up;

(*b*) are not the inhabitants of the neighbourhood using the above tanks for bathing for washing their cattle and giving water to them for drinking?

Rao Sahib K. Ayyappan *(Minister for Public Works)*:

(*a*) The two tanks are not filled up. But as the sides of these tanks are not protected with retaining walls, the banks slip in thereby silting up the sides.

(*b*) These tanks are generally used by the public for washing cattle and giving water to them. Washing of cloth etc., is also done sometimes. In the rainy season when these tanks are full, people bathe in them.

RICE—AMOUNT OF RATION

455. മിസ്റ്റർ കെ. എ. രാഘവൻ: താഴെ എഴുന്ന ചോദ്യങ്ങൾക്ക് ബഹുമാനപ്പെട്ട ഗവൺമെണ്ടിൽനിന്നും സദയം മറുപടി പറയുമോ.—

(എ) തിരുവിതാംകൂറിലും മദ്രാസ്സിലും അരിറേഷൻ ആളൊന്നുക്ക് ഏ ഠ ഔൺസിൽ നിന്നും ഏഴ് ഔൺസായി വഴിപ്പിച്ചു വന്നുത ഗവൺമെണ്ടിന്നറിയാമോ;

(ബി) ഇതുപോലെ കൊച്ചിക്ക് ലഭിക്കുന്ന അരി കാട്ടയും ദേവസ്വം മുതലായ സ്ഥാപനങ്ങളിൽനിന്നും കുടുതലായി എടുത്ത നെല്ലും ഉണ്ടായിട്ടും കൊച്ചിയിൽ അരിറേഷൻ വർദ്ധിപ്പിക്കാത്തതു് എന്തുകൊണ്ടു്?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ:

(എ) ഇല്ല. നേരെമറിച്ചു് തിരുവിതാംകൂറിലും മദ്രാസ്സിലും അരിറേഷൻ ഏ ഠ ഔൺസിൽ കുടുതലില്ലെന്നറിയാം.

(ബി) എഴുടെ ഉത്തരംകൊണ്ടു് ഉത്തരം ആവശ്യമില്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly